



David B. Cohen


CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
TDD/TTY
(617) 796-1089
Telefax
(617) 796-1142

E-mail
mkruse@newtonma.gov

Public Hearing Date: February 12, 2008
Land Use Action Date: April 8, 2008
Board of Aldermen Action Date: April 22, 2008
90-Day Expiration Date: May 12, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner
Jean Fulkerson, Principal Planner 

DATE: February 8, 2008

#13-08 TENNANT VENTURES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct (after demolishing two existing buildings) a new 2-story commercial building (approx. 24.61-feet high) with first-floor retail and/or office and second-floor office and to waive the number of required parking spaces from 34 to 19, with associated waivers from dimensional/lighting/landscaping requirements for parking, with signage at 1149-1151 WASHINGTON STREET, Ward 3, WEST NEWTON on land known as Sec 11, Blk 7, Lots 28 and 28A, containing a total of approximately 13,611 sf of land in a district zoned BUSINESS 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis that may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner is requesting a special permit to allow the construction of a two-story office building on Washington Street in West Newton to house the petitioner's insurance business and a first-floor tenant. The parcel is currently developed with a former single-family residence in a frame structure

converted to an office and an automobile repair establishment in a one-story garage facility. Both structures would be demolished and a brick structure would be constructed along the front lot line to mirror the existing streetscape. The location of the proposed structure on the lot and its size, trigger the need to request certain zoning waivers, parking waivers, grade change approval and signage authorizations from the Board of Alderman.

While the list of waivers and requests may appear lengthy, this proposal, which requires a special permit, better serves the public convenience and welfare in a way that an as-of-right alternative would not. The placement of the building on the lot, its materials, and the design of the parking facility all are more beneficial to the City of Newton than the configuration that would be prescribed under a by-right scenario, and are in line with the *Newton Comprehensive Plan's* goal of supporting the viability of the City's village centers.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Aldermen should consider whether:

- the location the structure at the front lot line is preferable to a location at the rear of the lot;
- the height (.61 feet over the limit of 24 feet) of the structure will have an adverse impact on the immediate abutters or the existing streetscape;
- an exception to the signage requirements is warranted by the nature of the use of premises, the architecture of the building, or its location;
- the request for parking waivers will have a negative impact on the surrounding neighborhood;
- the request for waivers to the dimensional requirements will have a negative impact on the abutting properties;
- a change in grade of greater than 3 feet will have an adverse impact on adjacent properties;
- light spillage over the property line at Washington Street will have an adverse impact on the neighborhood;
- a reduction of illumination levels to below one foot-candle in portions of the parking facility will create unsafe conditions for either vehicles or pedestrians; and
- the elimination of a loading bay will impair the use of the proposed structure or adjacent properties.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site Characteristics

The site is comprised of two lots located at 1149 and 1151 Washington Street that will be combined into a single parcel of 13, 611 square feet. The parcel is a flat, deep and narrow lot with a significant grade change at the rear of the property. Two existing structures will be demolished and include a former single-family residence structure and an automotive repair shop in a one-story detached facility. Except for the front yard landscaping, the entire lot is covered by impervious surfaces, some in poor condition, and without the benefit of proper surface drainage.



Figure 1. Existing Conditions



Figure 2. Existing Structure

B. Neighborhood and Zoning

The parcel is located on the outskirts of the West Newton business district, across from the Mass. Turnpike. To the east is a building known as the Armory and to the west is a one-story commercial building. There is a multi-family structure adjacent to the site at 12 Kempton Place that currently overlooks the automobile repair business. There are no other residential abutters. To the rear of the lot is a parking facility and retail business ("The Barn" shoe store). The area is zoned Business 2.

III. SITE PLAN REVIEW

A. Site Development

The petitioner/property owner proposes to redevelop the subject property by replacing the existing structures with a more efficient professional building to house the petitioner's insurance business. In order to meet the dimensional requirement of 30-15 Table 2, and the parking facility design requirements of Section 30-19, a by-right development would result in a site plan that would place a structure at the rear of the property with parking in the front. In the opinion of the Planning Department, this "strip-mall" layout would be incongruous to the Washington Street corridor.

Instead, the petitioner proposes to construct a larger building at the front of the lot, echoing adjacent setbacks and reflecting the design and materials of the neighboring Armory building and underlying zoning. The proposed site plan offers the benefit of a street presence more in keeping with the neighborhood, improves conditions for the abutting multi-family structure, and provides appropriate drainage for the site. However, the proposed site plan also requires certain trade-offs in the form of waivers from the City's Zoning Ordinance. For example, the site design reduces the number of available parking spaces in the lot and requires approval of a parking waiver from the Board of Aldermen along with waivers for lighting, landscaping, and setback requirements.



Figure 3. Streetscape looking east

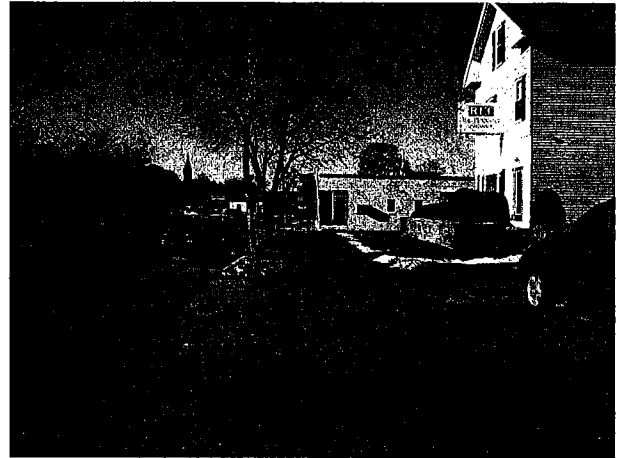


Figure 4. Streetscape looking west

B. Building Design

This two-story red brick structure is intended to complement the neighboring Armory building. At 8,222 square feet, the overall size of the structure is 2,000 square feet larger than the existing buildings, which together total 6,001 square feet. The basement of the proposed building is 2,150 square feet.

A sign band in a contrasting stone will decorate the façade between the first and second story, and a similar, smaller building identification band will be located above the second-story windows. A high profile cornice will anchor the roofline. Much thought has been given to the detailing in the brick and window headers. The height of the proposed structure exceeds the limit of 24 feet, but only by about seven inches.

The location of the structure at the front of the lot supports the existing streetscape and prevents development with a “convenience store” type of footprint, characterized by the parking at the front of the lot and the building at the rear.

C. Parking

The site currently provides nine nonconforming parking spaces. The proposed site plan would provide 19 conforming parking spaces. Section 30-19 requires 34 spaces; thus the petitioner is requesting a parking waiver of 15 spaces. Many of the parking facility design waivers requested by the petitioner (i.e. elimination of loading bay, location of dumpster, reduced end maneuvering space) arise out the need to provide as many parking spaces within the facility as reasonable.

The petitioner notes that the insurance office use is a low traffic and parking generator and there is public transportation available on Washington Street, as well as ample public parking on Washington Street. The petitioner is hoping to secure a bank or other office-type of use for the first floor of the proposed building. The Planning Department agrees that a parking waiver is unlikely to have a detrimental impact on the neighborhood and finds that even in the long term, the site’s location on Washington Street and available public transportation make it a good candidate for the proposed parking waivers.

The petitioner is also asking to waive the loading bay requirement that is typically required for a structure of this size. The insurance business will not rely on deliveries for its operations and it is assumed that the future first-floor tenant will not require them either, so the omission of a loading bay should not have a negative impact on the use of the property or the neighborhood.

D. Lighting and Landscaping

The proposed lighting as shown on the photometric plan shows illumination levels below one foot-candle in some portions of the parking lot. The Planning Department supports the lower illumination because it reduces the impact on the dwelling at 12 Kempton Place. Conversely, there is light spillover at the site entrance on Washington Street and onto adjacent properties. The spillover is acceptable at Washington Street because it improves pedestrian safety where vehicles may be entering and exiting the site.

The proposed landscape plan shows new planting beds in the front yard of the property and a dense line of screening surround the parking facility. A Red Maple will be planted as a street tree. The Chief Zoning Code Official noted in his report that some plant materials were less than the required 3.5 feet in height. However, current plans show plants within the perimeter landscape area to be at least 3.5 feet in height and conforms to standards.

E. Grading

A small portion of the rear of the lot will be filled, resulting in change of grade of more than three feet. The grade change allows for construction of the rear of the parking facility, proper stabilization, and completion of the drainage system. The Planning Department has no concerns associated with the grade change.



Figure 5. Rear of lot with steep grade, structure on right to be demolished



Figure 6. Abutting multi-family structure

F. Historic Commission

The existing structure was reviewed by the Newton Historical Commission under the Demolition Delay Ordinance on September 11, 2007. The structure was determined to be not historically significant and, therefore, no demolition delay was imposed.

G. Signage

The petitioner is proposing two primary tenant signs, both with 12" backlit LED letters. The "R.L. Tennant Insurance" sign will be 18.88 square feet in size. The length of the second tenant sign is not yet determined, but will use the same size and style of letters. The petitioner notes a possible alternative design using a face-mounted panel with raised letters. The Planning Department prefers the use of individual letters.

The building identification sign located above the second-story windows will be permanent and integral to the building, using cast stone or limestone with raised letters. The sign itself is larger than allowed by the City's Zoning Ordinance, but is of high quality, will not be lit and appears as an integral element of the architecture.

The Urban Design and Beautification Commission (UDBC) reviewed the proposed signage and supports the building sign program. The UDBC did not review the alternate primary sign design.

IV. COMPREHENSIVE PLAN

The Land Use chapter in the *Newton Comprehensive Plan* describes how a "well-designed [development] change can strengthen existing qualities." One important aspect of the City's comprehensive plan is to enhance the existing village centers. The West Newton business district is Newton's fourth largest business center, after Newton Corner, Newtonville, and Newton Centre. These four business areas are considered Newton's major business centers, each with between 500,000 and one million square feet of business floor area.

The *Newton Comprehensive Plan*, recognizes that development in village centers, as well as along the City's important commercial corridors, is likely to fall in the category of redevelopment, where structures that are inefficient or obsolete will be replaced with more economically viable buildings. The subject proposal is a good example of a redevelopment, that in the opinion of the Planning Department, is appropriately scaled and well conceived for the corridor, and should support the continued viability of the business district.

One hallmark of the village centers is that they encourage walking and the emphasis on pedestrian access for the proposed structure is a clear benefit of this project. The location of the structure at the front of the property means that pedestrians will not have to cross a parking lot or driveway in order to access the front door of the structure and offers a safe, continuous pedestrian way.

V. TECHNICAL REVIEWA. Dimensional Controls

The table below depicts how the project compares with the requirements of Section 30-15 Table 2, of the Zoning Ordinance:

Section 30-15., Table 2 Business 2	Ordinance	Proposed
Maximum Stories	2	2
Building Height	24 ft.	24.61 ft.
FAR	1.00	0.55
Lot Area	10,000 sq. ft.	13,611 sq. ft.
Front Setback (Avg. method)	5.35 ft.	6 ft.
Site Setback (1/2 bldg. height)	12 ft.	5.1 ft.*
Rear Setback	0 ft.	96.5 ft.
Section 30-20	Ordinance	Proposed
Building Identification Sign	10 sq. ft.	33.3 sq. ft.

*5.1 ft. exceeds the actual 4.1-ft. side yard of the abutting property to the west. Table 3, Footnote 2 allows the applicant the option of choosing a side setback, which is not less than that of the abutter.

B. Traffic and Parking

The table below depicts how the project compares with the requirements of Section 30-19 of the Ordinance:

Section 30 -19	Ordinance	Proposed
Number of Parking Stalls	33	19
Min. Stall Width	19 ft.	19 ft.
Min Stall Length	21 ft.	21 ft.
Min Driveway	20 ft. (two-way)	20 ft.
Min. Maneuvering Aisle	24 ft.	24 - 26.3ft.
Handicap Stall	1	1 at required size
Landscape buffer	5 ft.	< 5 ft.
Landscape screening	3.5 ft. high	> 3.5 ft.
Illumination	1 ft. candle	< 1 ft. candle
Loading Bay	1	0
Parking setback	5 ft.	< 5 ft.
End Maneuvering Space	5 ft.	0 ft.
Bicycle Parking	0 spaces	5 spaces

C. Other Department Comments

The Associate City Engineer reviewed the proposal and has requested some additional details on drainage, water, and sewage, (*SEE ATTACHMENT "A"*). The petitioner's site plans were also reviewed and stamped as approved by the City's Fire Department.

D. Summary of Zoning Relief Requested

Based on the Chief Zoning Code Official's written determination (*SEE ATTACHMENT "B"*) the petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:

- 30-15, Table 3, Approval of building height of 24.61 ft., exceeding as of right limit of 24 ft. (See #2, above)
- 30-15, Table 3 30-21(b) to maintain portion of existing foundation wall of building to be demolished at #1151 Washington St., currently located within the side setback, and to extend the structure within the setback in connection with construction of a new retaining wall.
- Section 30-19(m) for exceptions to the parking requirements including:
 - 30-19(d)(10), (11) &(15), waiver of up to 15 spaces to reduce number of required parking spaces from 34 to 19.

- 30-19(h)(2)e), waiver to eliminate 5 ft. x 9 ft. turnout maneuvering space at end stalls.
 - 30-19(i)(1)(a)i) waiver to reduce perimeter buffer strip section along the rear lot line to a dimension less than 5 ft. wide as shown on submitted plans.
 - 30-19(i)(1)(a)ii), waiver to allow screening design not meeting fence opaqueness, landscaping, and minimum 3 ft. buffer strip width requirements and placement of post and open rail fence instead, per submitted plans.
 - 30-19(j)(1)a), waiver to reduce illumination from 1 ft.-candle to a range of lesser illumination levels as shown on plan with photometric information
 - 30-19(j)(1)b), waiver to allow light spillover at Washington St. sidewalk, driveway apron and street, and along abutting properties as shown on plan with photometric information
 - 30-19(l), waiver to eliminate loading bay.
 - 30-15, Table 3, Note, dimensional waiver to reduce parking setback from 5 ft. to approximately 1 ft. for placement of dumpster enclosure and dumpster near easterly side lot line.
 - 30-15, Table 3, Note 30-19(m) dimensional waiver to reduce parking setback from 5ft. to 3ft. for light poles along easterly and westerly side lot lines, respectively.
- 30-20(c)(2)b) 30-20(l) Approval to exceed 10 sq. ft. limit of building identification sign and approval of 33.3 sq. ft. second story building identification sign reading "R.L. Tennant Building."
 - 30-20(f)(1), 30-20(l) Approve architectural sign band within first-story front façade of office-type building per architectural plans. Sign band to accommodate a maximum of two tenant signs, regardless of interior location of businesses with respect to street level presence and related frontage.
 - 30-5(b)(4) Approval to alter existing contours by more than three feet as shown on plan, including placement of retaining walls exceeding 3 ft. within setback area.
 - 30-23 Approval of site plan including parking layout, lighting, landscaping, retaining walls, and dumpster, etc.
 - 30-23 30-20(l) Approval of building elevations, including building sign program per submitted plans.
 - 30-24 Special permit approving proposed project and related waivers, 3-ft. grade change, and sign program by the Board of Alderman.

VI. SUMMARY OF PETITIONER RESPONSIBILITIES

The Planning Department has not identified any additional information to be provided by the petitioner at this time.

ATTACHMENT A: Memo from Associate City Engineer, dated February 6, 2008

ATTACHMENT B: Zoning Review Memorandum, dated January 7, 2008

ATTACHMENT C: Memo from Fire Department, dated February 6, 2008

ATTACHMENT D: Land Use Map
ATTACHMENT E: Zoning Map

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 1149 Washington Street

Date: February 6, 2008

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Jean Fulkerson, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*1149 – 1151 Washington Street
Newton, MA
Proposed Building and Drive Location
Prepared by Verne T. Porter, Jr., PLS
Dated: Dec 15, 2006
Last Revision Date: 1-3-'08*

Drainage:

1. An on site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. The proposed drainage system shall be within (20') of the test pit. The proposed drainage system should be 2' above the seasonal high groundwater elevation.
2. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 7-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots.
3. The runoff from the driveway needs to be addressed, the runoff needs to be captured on site via catch basin or trench drain both of which will require a 4' sump and Neenah R-3705 gas trap outlet, then be connected to an on site leaching system.

4. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities is needed for this project.
5. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Water:

- The size of the proposed fire suppression service connection needs to be specified. The Fire Department will require a fire flow test witnessed by the Utilities Division and hydraulic calculations for the sprinkler system.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code.
2. The existing water & sewer services to the buildings be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. The proposed sewer service shall be renewed to the main.

General:

1. In association with all the utility work, the sidewalk along the entire frontage shall be replaced with new cement concrete. Furthermore, the apron that services the armory's driveway should be remodeled with the associated access driveway for this project.
2. Any tree removal shall comply with the City's Tree Ordinance.

3. The engineer of record should submit a plan which shows the turning template for fire emergency trucks specifically highlighting the turn into the parking lot, the proposed dumpster location may be problematic for the turning movements, and the turning movement into the property.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
8. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Zoning Review Memorandum

Dt: January 7, 2008

To: Jason Rosenberg, Esq., representing Tennant Ventures, LLC

CC: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services

Fr: Juris Alksnitis, Chief Zoning Code Official

Re: Request to approve new office building involving parking and signage waivers.

Site: 1149 & 51 Washington St.

Zoning: Business-2

Current use: Office and service uses

SBL: Section 11, Block 7, Lots 28 & 28A

Lot Area: 13,611 sq. ft.

Prop. use: Office and service uses

Background:

The subject site contains two lots created by variance. #1149 Washington St. has a frame building converted from residential to office use approximately in 1958 and subsequently used primarily as an insurance office. #1151 Washington St. has an automobile garage repair establishment in the back which pre-dates 1958. Both existing establishments have now operated on their respective lots for nearly five decades. The applicant, who has acquired both lots, plans to demolish all existing buildings and build a new two-story office building with rear parking in their place. Proposed plans indicate the need for various special permits, including parking waivers, and signage authorizations, which necessitate Board of Aldermen review and approval.

Urban Design and Beautification Commission Comments

Representatives of the applicant appeared before the Commission on July 18, 2007 for a consultation regarding signage for the proposed building. Subsequently, the applicant incorporated Commission suggestions into proposed building architecture and signage. Currently submitted plans reflect the first story level sign band established by the Commission, which contains a tastefully designed sign utilizing L.E.D. back-lit reverse channel letters and space for a similar future tenant sign. While most recent plans also include a possible alternate sign type utilizing a face-mounted panel with raised letters, this option has not been reviewed by the Commission. A building identification sign is located at the second story level. The Commission supports the building sign program overall, but has not had the opportunity to consider the sign alternate. As discussed in paragraph 11, below, several approvals will be needed from the Board of Aldermen pursuant to Section 30-20(I).

Administrative determinations

1. The property at #1151 Washington St. is currently governed by the requirements of B.O. #306-82, which authorized an addition to the garage repair shop. The garage repair shop use dates back to B.O. #936-56, August 1, 1956, which initially authorized a 4 car garage establishment located at the rear of the subject site, which at that time was one lot.

Subsequently the property was divided into two lots, as shown on Subdivision Plan of Land dated March 21, 1958 and recorded at the Middlesex Registry of Deeds Oct. 16, 1958. It appears that the existing frame building near the front has served as a dwelling and since the late 1950's has also been used for various office purposes undertaken as of right. The current applicant has acquired both lots and intends to merge the two to create the subject site for the proposed new office building. As the existing garage repair shop use authorized pursuant to special permits would be discontinued, it will be necessary to extinguish this authorization. This may be done by incorporating an appropriate condition into the new Board Order to be issued for the current petition, if approved by the Board of Aldermen. Section 30-15, *Table 3, Dimensional Requirements for Commercial Districts* (*Table 3*), and parking requirements established in Section 30-19 establish the parameters applicable to the proposed new development. The following analysis is based upon the submitted plans and information received to date as referenced in Plans and materials reviewed, below.

2. *Section 30-15, Table 3 – Dimensional Requirements for Commercial Districts (Table 3)* establishes the building size and setback requirements pertaining to buildings and structures in the BU-2 zone. Plans provided by the applicant indicate that the new building would generally meet the applicable parameters. However, as proposed building height of 24.61 ft. exceeds the 24 ft. height limit allowed as of right, a special permit for the height increase is needed subject to approval of the Board of Aldermen. It is noted that the side yard setback on the west side would be 5.1 ft., which is less than the standard requirement of $\frac{1}{2}$ building height, in this case 12.3 ft. Nevertheless, 5.1 ft. exceeds the actual 4.1 ft. side yard of the abutting property to the west. Table 3, Footnote 2 allows the applicant the option of choosing a side setback, which is not less than that of the abutter.
3. A new retaining wall along the westerly side is proposed to be connected to a section of existing foundation wall (which will remain) of the building at #1151 Washington St. to be demolished. The new wall will extend to the rear, then parallel to the rear lot line. As the proposed wall will have an exposure of at least 6 ft. on the north side, exceeding 3 ft. in height, it is considered a structure subject to setbacks. The new retaining wall will be located within 1 ft. to 3 ft. of the westerly and rear lot lines, encroaching on required primary setbacks applicable to structures as articulated in Section 3-15(m). However, the Commissioner of Inspectional Services, has previously determined that retaining walls which are an integral part of plans designed to handle grade changes in excess of 3 ft. may be addressed as part of the special permit process required for 3 ft. grade changes, and need not also to seek a variance from the Zoning Board of Appeals (also see #12, below). An extension of non-conforming structure may be granted by the Board of Aldermen pursuant to Section 30-21(b) for continued use, as a future retaining wall, of the designated portion of the currently non-conforming foundation wall located within 1 ft. to 3 ft. of the westerly lot line. The Board of Aldermen may at its discretion approve, modify or disapprove the proposed 3 ft grade change and related retaining walls.
4. *Section 30-19(d), Number of Parking Stalls*, subsections (d)(10), (d)(11), and (d)(15) establish the required number of parking stalls for service, office, and storage uses, respectively. Based on information submitted by the applicant, the number of parking spaces required per the current ordinance for the subject new building would be as follows, depending on occupancy scenarios:

- (d)(11) All office, with total gfa: 8,222 sq. ft. $[8,222 \text{ sq.ft.}/250] = 33$

- (d)(10) Service, and (d)(11) Office
 - Office: $[8,222 - 2605 = 5617 \text{ sq. ft.}/250] = 23$ 23
 - Service – 1st floor only: $[2605 \text{ sq. ft.}/300]=9+ [6 \text{ emp.}/3]= 2$ 11
- 34
-
- (d)(10) Service, (d)(11) Office, and remaining in (d)(15) basement storage use:
 - Office: $[8,222 - 2605 - 1069 = 4,548 \text{ sq. ft.}/250] = 18$ 19
 - Service -1st floor only: $[2605 \text{ sq. ft.}/300]=9+ [6 \text{ emp.}/3]= 2$ 11
 - Storage: $[1,069/2,500 \text{ sq.ft.}] = 1 + [0 \text{ max. empl}/3] = 0$ 1
- 31

The above scenarios suggest that the applicant will need a waiver of the required parking spaces ranging from 12[31-19] to 15 [34-19] pursuant to Section 30-19(m).

5. Section 30-19(h), *Design of Parking Facilities*, establishes the design and layout requirements applicable to parking facilities of this size. It is noted that the proposed 1 HP stall meets the requirements stated in (h)(2)c) as to number and dimensional parameters. Submitted plans indicate a largely conforming parking layout, which needs only a waiver per Section 30-19(m) for lack of a 5 ft. x 9 ft. turn-out maneuvering area at end stalls as required per 30-19(h)(2)e).

6. Section 30-19(h)(1) together with Table 3 establish the setback requirements pertaining to parking facilities. The concluding "Note" to Table 3 requires a minimum 5 ft. setback (unless abutting a residential or Public Use zone, in which case a minimum of 10 ft. is required). The applicant's site is abutted on all sides by BU-2 zoned properties and the parking area provides the applicable 5 ft. setback. However, it is noted that four light poles, which are deemed structures, are located within the 5 ft. setbacks, approximately 3ft. from the respective lot lines. This necessitates a waiver of the parking lot setback from the Board of Aldermen per Section 30-19(m). In addition, a 6 ft. high stockade fence enclosure to contain a roll-out dumpster, will be located within approximately 1 foot of the easterly property line, also requiring a waiver of the parking lot setback per Section 30-19(m).

7. Section 30-19(i)(1) and (2), *Landscaping*, establish the respective perimeter screening and interior landscaping requirements applicable to parking areas. Submitted plans for the parking area generally meet the requirements for perimeter screening, except as discussed below. The perimeter landscape buffer along the rear lot line is less than five ft. wide. While a number of the proposed plants along the rear lot line are smaller than the required 3.5 ft. minimum height, the applicant has indicated plant size will be increased to conform to the minimum standard. The narrower rear buffer strip necessitates a waiver per Section 30-19(m), as would the planting of undersize plants. In addition, plans indicate a narrow un-landscaped area approximately 2 ft. or less wide, with a 4 ft. high open post and rail fence along the easterly lot line and driveway. As this does not meet the screening requirements set out in Section 30-19(i)(1)(a)(ii), the applicant seeks approval of the proposed design under waiver pursuant to Section 30-19(m).

With respect to interior landscaping, it is noted that as the proposed parking area will have less than 20 stalls, the interior landscaping requirements articulated in Section 30-19(i)(2) do not apply.

In addition, the petitioner is responsible for complying with Sections 20-31 through 20-39, *Tree Preservation Ordinance* and obtaining approval of any required tree replacement plan by the Tree Warden, and also with Section 20-40, *Regulation of Perimeter Fences*, paragraphs (b) and (e) as to height, and (f)(1) as to orientation.

8. Section 30-19(j) *Lighting*, establishes the applicable lighting requirements for parking areas. Submitted photometric information indicates that various parts of the parking facility will be illuminated at levels less than 1 foot candle, necessitating a waiver from the Board of Aldermen per Section 30-19(m). In addition, as there will be some spillover onto several adjacent properties and also on the front sidewalk and Washington St., this requires Board approval of a waiver of Section 30-19(j)(1)b pursuant to Section 30-19(m). Moreover, the applicant is responsible for meeting the requirements of Ordinance X-142, *Light Ordinance*, as set out in sections 20-23 through 20-28 pertaining to light pollution and light trespass in relation to the subject site.
9. Section 30-19(k) *Bicycle Parking Facilities* establishes the bicycle parking requirements for parking facilities having 20 or more than spaces. Although the proposed 19 space parking facility is not subject to this provision, submitted plans indicate five bicycle parking stalls within the rear building-under parking area located near the rear entry door.
10. Section 30-19(l), *Off-street Loading Requirements*, establishes the applicable off-street loading requirements and requires one loading bay for a building of this size. Submitted plans indicate no provisions for an external loading bay. The applicant may wish to consider adding the required loading bay, or alternatively seek a waiver from the Board of Aldermen per Section 30-19(m).
11. Section 30-20(f), *Regulation of signs in commercial districts*, establishes the applicable sign requirements for business establishments located in commercially zoned districts. As the proposed building is an office type building rather than a retail building with storefronts, it has one common front entrance. The applicant has stated that he anticipates utilizing first floor space for a bank and the second floor for an insurance establishment, and has requested business identification signage for both. The Urban Design and Beautification Commission felt that signage needs could best be addressed by incorporating an architectural sign band within the front façade, which the applicant has done. As a result, the architectural sign band has been designed to accommodate two business tenants, even though only one of the two tenants would have a street level presence. Placed within the proposed 100 sq. ft. architectural sign band, the proposed 18.83 sq. ft. "R.L. Tennant Insurance" sign would be well within the applicable parameters for a principal sign, as would the anticipated future tenant sign. However, as the insurance establishment would not have a street-level storefront presence, Board of Aldermen approval of this signage arrangement is needed pursuant to Section 30-20(l). In addition, the applicant seeks a building identification sign pursuant to Section 30-20(c)(2)b). As this sign would be 33.3 sq. ft., exceeding the 10 sq. ft. limit for building identification signs, this also necessitates approval by the Board of Aldermen per Section 30-20(l). As noted above, the Commission supports the above overall building sign program and considers the proposed signage an attractive solution commensurate with the architectural character of the building and anticipated tenancy. However, the Commission has not had an opportunity to review the more recently indicated possible alternate sign type utilizing a face mounted panel with raised letters instead of L.E.D.

back-lit reverse channel letters originally approved by the Commission. Proposed directional signs meet the requirements of 30-20(f)(8).

12. As shown on plan, a 251 sq. ft. area at the rear of the parking area will be filled and re-graded in conjunction with placement of a retaining wall (also see #3, above), thereby altering the grade in excess of 3 ft. This necessitates approval of a special permit by the Board of Aldermen per Section 30-5(b)(4).
13. Ordinance Y-17, dated May 21, 2007 as recently adopted by the City inserts additional provisions into Sections 30-23 and 30-24 which require certain applications for special permits to submit evidence that the proposed project will contribute significantly to the efficient use and conservation of natural resources and energy. As the proposed project has less than 20,000 sq. ft. in gross floor area, these requirements do not apply.
14. The Newton Historical Commission Demolition Review Decision dated September 11, 2007, classified the currently existing garage and frame office building on the site as not historic and not preferably preserved.
15. Various plans lack the respective stamp and signature of a registered professional preparing the plans and certifying required calculations and dimensions. The applicant is responsible for providing stamped and signed plans not later than at the time of filing the petition with the Clerk of the Board of Aldermen.
16. See "Zoning Relief Summary" below.

	Building	
30-15, Table 3	Approval of building height of 24.61 ft., exceeding as of right limit of 24 ft. (See #2, above)	X
30-15, Table 3 30-21(b)	Approval to maintain portion of existing foundation wall of building to be demolished at #1151 Washington St., currently located within the side setback, and to extend the structure within the setback in connection with construction of a new retaining wall. (See #3, above)	X
Parking		
30-19(d)(10);(11) &(15) 30-19(m)	Approval of waiver of up to 15 spaces to reduce number of required parking spaces from 34 to 19.	X
30-19(h)(2)e) 30-19(m)	Approval of waiver to eliminate 5 ft. x 9 ft. turn-out maneuvering space at end stalls.	X
Parking (cont.)		
30-19(i)(1)(a)i) 30-19(m)	Approval of waiver to reduce perimeter buffer strip section along the rear lot line to a dimension less than 5 ft. wide as shown on submitted plans.	X
30-19(i)(1)(a)ii) 30-19(m)	Approval of waiver for landscape plantings less than 3.5 ft. high within perimeter landscape area.	X
30-19(i)(1)(a)iii)	Approval of waiver to allow screening design not meeting	

30-19(m)	fence opaqueness, landscaping, and minimum 3 ft. buffer strip width requirements and placement of post and open rail fence instead, per submitted plans.	X
30-19(j)(1)a) 30-19(m)	Approval of waiver to reduce illumination from 1 ft.-candle to a range of lesser illumination levels as shown on plan with photometric information	X
30-19(j)(1)b) 30-19(m)	Approval of waiver to allow light spillover at Washington St. sidewalk, driveway apron and street, and along abutting properties as shown on plan with photometric information	X
30-19(l), 30-19(m)	Approval of waiver to eliminate loading bay.	X
30-15, Table 3, Note 30-19(m)	Approval of dimensional waiver to reduce parking setback from 5 ft. to approximately 1 ft. for placement of dumpster enclosure and dumpster near easterly side lot line.	X
30-15, Table 3, Note 30-19(m)	Approval of dimensional waiver to reduce parking setback from 5ft. to 3ft. for light poles along easterly and westerly side lot lines, respectively.	X
Signage		
30-20(c)(2)b) 30-20(l)	Approval to exceed 10 sq. ft. limit of building identification sign and approval of 33.3 sq. ft. second story building identification sign reading "R.L. Tennant Building."	X
30-20(f)(1) 30-20(l)	Approve architectural sign band within first story front façade of office type building per architectural plans. Sign band to accommodate maximum two tenant signs, regardless of interior location of businesses with respect to street level presence and related frontage.	X
Site		
30-5(b)(4)	Approval to alter existing contours by more than three feet as shown on plan, including placement of retaining walls exceeding 3 ft. within setback area.	X
30-23	Approval of site plan including parking layout, lighting, landscaping, retaining walls, and dumpster, etc.	X
30-23 30-20(l)	Approval of building elevations, including building sign program per submitted plans.	X
Special Permit		
30-24	Special permit approving proposed project and related waivers, 3 ft. grade change, and sign prog. by the Bd. of Ald.	X

Plans and materials reviewed:

- Newton Historical Commission, Demolition Review Decision, Sept. 11, 2007, finding that #1149 and #1151 Washington St. are not historic and not preferably preserved.
- Plan set titled "1149-1151 Washington Street, Newton, MA", dated December 15, 2006, last revised Dec. 7, 2007, prepared by Verne T. Porter Jr., PLS, Land Surveyors – Civil Engineers, 354 Elliot St., Newton, MA 02464, stamped and signed by Stephen Poole, Registered Professional Engineer, and Verne T. Porter, Jr., Registered Professional Land Surveyor, consisting of the following:
 - Sheet 1 of 5 – Area Plan
 - Sheet 2 of 5 – Proposed Building and Drive Location, last rev. 1/3/08
 - Sheet 3 of 5 – Existing Conditions Site Plan

- Sheet 4 of 5 – Existing Height Calculations
 - Sheet 5 of 5 – Detail Sheet and Sewer Profile
- Plan set titled “R.L. Tennant Insurance, Inc., 1149 Washington St., Newton, MA”, dated as noted below, prepared by Stirling/Brown Architects, One Mount Vernon St., Winchester, MA 01890, bearing no stamp or signature of any registered professional, consisting of the following:
 - Sheet CS-1 – Cover Sheet, Dec. 12, 2007
 - Sheet EX-1 – Existing Conditions & Photographs, Aug. 29, 2007
 - Sheet P-1 – Existing & Proposed Panoramic Photographs, Aug. 29, 2007
 - Sheet L-1 – Planting Plan, Aug. 28, 2007, rev. Nov. 6, 2007
 - Sheet ASP-1 – Architectural Site Plan, Dec. 12, 2007
 - Sheet A-1 – First Floor Plan, Dec. 12, 2007
 - Sheet A-2 – Basement & Second Floor Plans, Dec. 12, 2007
 - Sheet A-3R – Washington Street (South) Elevation Color Rendering, Aug. 29, 2007
 - Sheet A-3 – Washington Street (South) Elevation, Aug. 29, 2007
 - Sheet A-4 – East (Armory Side) Elevation, Aug. 29, 2007
 - Sheet A-5 – North (Parking Lot) Elevation, Aug. 29, 2007
 - Sheet A-6 – West Elevation, Aug. 29, 2007
 - Sheet A-7 – Partial Site Section, Aug. 29, 2007
 - Sheet A-8 – Fence Elevations, Dec. 12, 2007
 - Sheet 1 of 1 – ACME Sign Details, Aug. 29, 2007
 - Sheet 1 of 2 – Fence Information at Dumpster Enclosure, Aug. 29, 2007
 - Sheet 2 of 2 – Fence Information at Drive/Armory Side of Property, Aug. 29, 2007
 - Sheet 1 of 5 – Site Plan Photometric Information for Light Pole Fixtures & Wall Mounted Light Fixtures, Aug. 29, 2007
 - Sheet 2 of 5 – Photometric Information for Entrance Canopy & Garage Ceiling Light Fixtures, Aug. 29, 2007
 - Sheet 3 of 5 – Light Pole Fixture & Wall Mounted Light Fixture Info., Aug. 29, 2007
 - Sheet 4 of 5 – Light Fixture Information at Entrance Canopy, Aug. 29, 2007
 - Sheet 5 of 5 – Light Fixture Information at Garage Ceiling, Aug. 29, 2007



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Joseph E. LaCroix
Chief

Alderman George Mansfield
Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, Ma 02459

February 6, 2008

Re: 1149 Washington Street

Dear Mr. Mansfield,

We have reviewed the site plans for proposed office building at 1149 Washington Street. This is to advise you that the Newton Fire Department has stamped the plans and approves the site layout for water and fire department accessibility with the following conditions:

- A no parking provision in the driveway will be a condition of occupancy.
- The parking underneath the building will be protected with a dry sprinkler system.
- The building will be protected with a wet sprinkler system.
- The fire department connections be moved from the driveway side to the left front of the building.
- The fire department connections be labeled as wet and dry systems respectively.

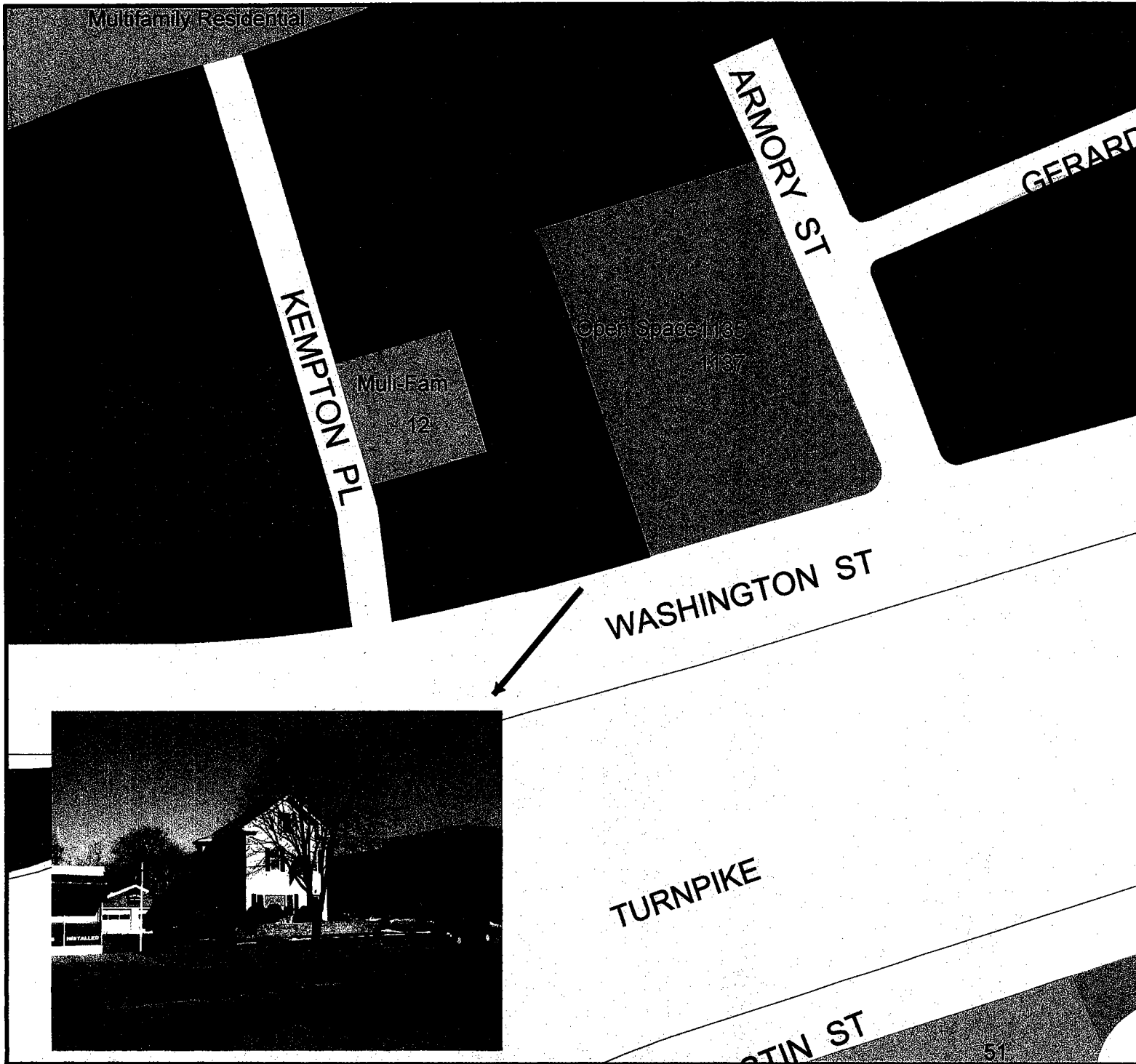
We will of course be reviewing the plans relative to Fire Prevention matters during the building permit process.

Sincerely,

A handwritten signature in black ink, appearing to read "A/C Proia", written over a horizontal line.

Bruce A. Proia
Assistant Chief of Operations

Cc: Jason Rosenberg, LLP
Deputy Chief James Thorne, Fire Prevention
Candace Havens, Planning and Development

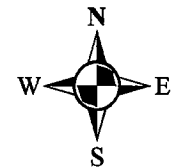


Land Use

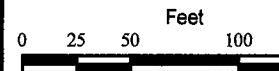
1149-1151
Washington Street

Legend

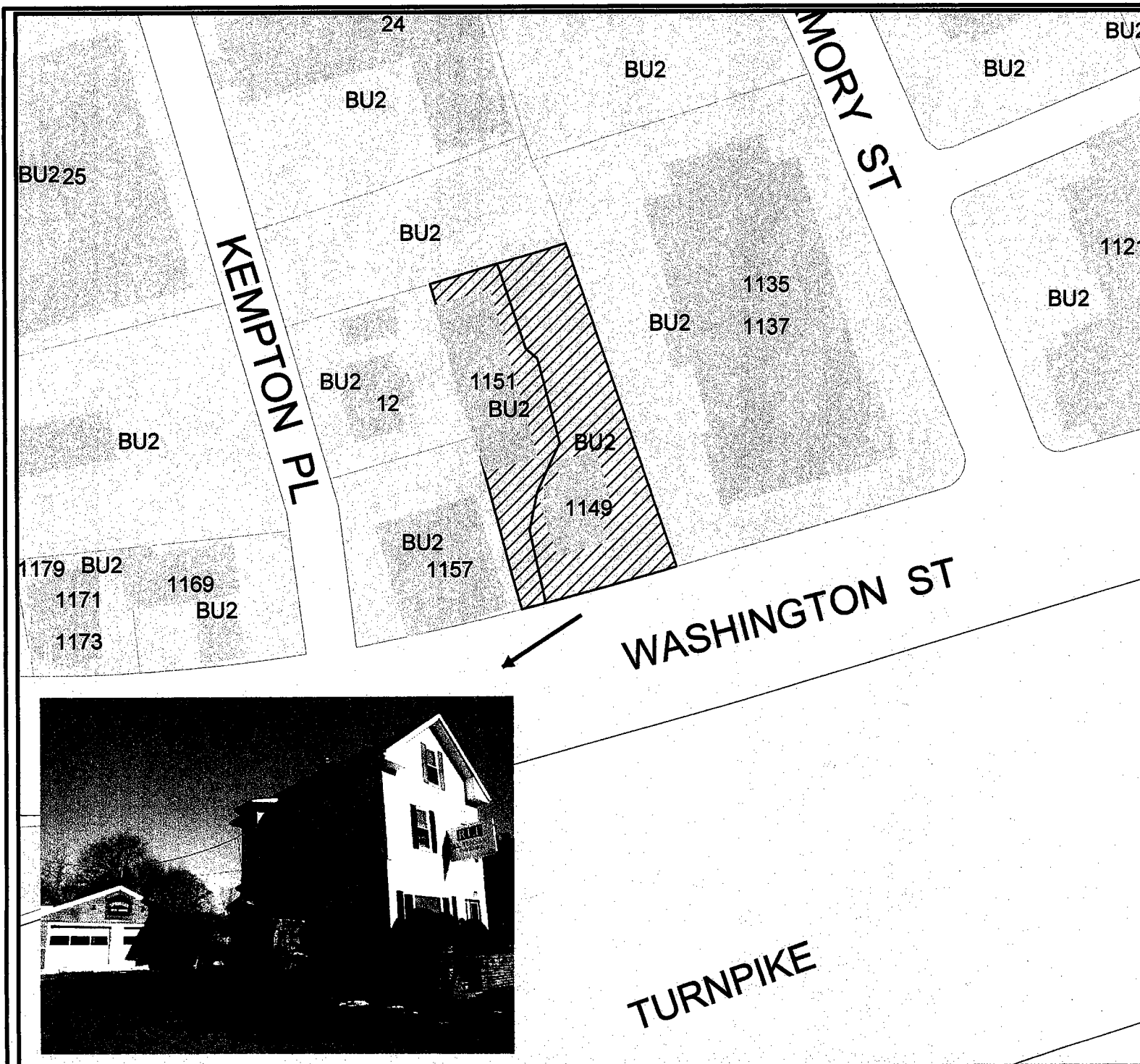
- Subject Site
- Multifamily Residential
- Commercial
- Industrial
- Mixed Use
- Vacant Land
- Open Space
- Tax Exempt



The information on this map is from Geographic Information System (GIS). Newton cannot guarantee the accuracy of this information. Each user of this map is for determining its suitability for his or her purpose. City departments will not approve applications based solely on



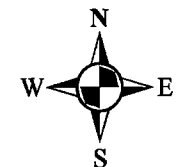
MAP DATE: January 25, 20



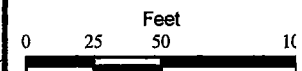
Zoning

1149-1151
Washington Street

Legend	
	Subject Site
	Business 1
	Business 2
	Business 4



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MAP DATE: January 25, 2001